

**3414. Adulteration and misbranding of clinical thermometers. U. S. v. 48**

\* \* \*. (F. D. C. No. 29676. Sample No. 50866-K.)

**LIBEL FILED:** August 7, 1950, Western District of Washington.

**ALLEGED SHIPMENT:** On or about January 20 and April 28, 1950, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

**PRODUCT:** 48 *clinical thermometers* at Seattle, Wash. Examination of 24 thermometers showed that 5 failed to comply with the Commercial Standard CS1-42 since 3 failed to repeat readings and 2 did not give readings of the accuracy required by CS1-42.

**LABEL, IN PART:** (Package) "Cardinal DeLuxe Fever Thermometer."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess, namely, "\* \* \* tested and found to meet all the requirements and tests specified in the United States Department of Commerce, Commercial Standard CS1-42 for Clinical Thermometers."

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading as applied to an article which would not repeat readings or which did not give readings of the accuracy required by CS1-42: (Insert in package) "We, the undersigned Manufacturers, hereby certify that our registering clinical thermometer marked No. . . . has been examined and tested and found to meet all the requirements and tests specified in the United States Department of Commerce, Commercial Standard CS1-42 for Clinical Thermometers. This certificate is supported by a record of test of this thermometer. \* \* \* The enclosed thermometer is guaranteed to be of absolute accuracy \* \* \*."

**DISPOSITION:** April 30, 1951. Default decree of condemnation and destruction.

**DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS****DRUGS FOR HUMAN USE\*****3415. Misbranding of Tran tablets. U. S. v. 57 Boxes, etc. (F. D. C. No. 30839. Sample Nos. 31366-L, 31556-L, 31557-L, 32151-L to 32153-L, incl., 32162-L, 32163-L.)**

**LIBEL FILED:** March 12, 1951, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about December 15, 1950, and January 8, 9, 11, 12, and 22, 1951, by the Atlas Pharmaceutical Distributing Co., Inc., from Chicago, Ill.

**PRODUCT:** *Tran tablets*. 57 boxes of the \$15.00 size, 244 boxes of the \$6.00 size, and 574 boxes of the \$3.00 size, at St. Louis, Mo., in the possession of the Katz Drug Co., together with a placard entitled "Tran Relieves Pain of Arthritis and Rheumatism within 30 Minutes"; a cloth sign reading, in part, "You Need Tran - Safe - Sure - Guaranteed"; a number of paper strip signs reading, in part, "Stop Torturing, Stabbing, Burning, Pains"; a number of tear sheets of an advertisement, which appeared in a St. Louis paper, headed, in part, "Stop Your Pain"; and a number of counter display cards reading, in part, "Stop Pain."

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\*See also Nos. 3413, 3414.

**RESULTS OF INVESTIGATION:** The cloth signs and the paper signs were shipped with the tablets. The placard had been prepared by the Katz Drug Co., and the tear sheets from the advertisement in the St. Louis newspaper were displayed on the dealer's premises. In addition, each box of the *Tran tablets* contained a 32-page booklet entitled "The Story of Arthritis and the New Wonder Drug that brings fast relief from Pain."

**LABEL, IN PART:** "Tran An Aid For The Relief Of Pain Due To [on some boxes "Simple"] Arthritis Rheumatism Bursitis \* \* \* Two Brown Tablets Contain: 5 grs. Sodium Salicylate 2 grs. Calcium Succinate Each White Tablet Contains: 2 grs. Calcium Succinate 3 grs. Aspirin (Acetylsalicylic Acid) 20 mgm. Vitamin C (Ascorbic Acid)."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the product was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce in that certain statements in the labeling, namely, the box label, the booklet, the paper signs, the placard, the cloth signs, the tear sheets, and the counter display cards, were false and misleading. These statements represented and suggested that the article was a drug containing new, amazing, wonder ingredients which made it an adequate and effective treatment for, and thus capable of curing or eliminating, arthritis, rheumatism, bursitis, rheumatic fever, infectious arthritis, allergic arthritis, gout, rheumatoid or atrophic arthritis, osteoarthritis, fibrositis, neuritis, neuralgia, excruciating pain, and pain generally; that it would stop torturing, stabbing, crippling, gnawing, burning pains of arthritis, rheumatism, bursitis, neuritis, neuralgia, sciatica, lumbago, sinusitis, and kindred aches and pains; that it would relieve sticking, stabbing, burning, twisting, gnawing pains of bones, joints, and muscles, due to rheumatism, neuralgia, arthritis, and kindred pains and torturing pains; that it would enable sufferers from unbearable pains of arthritis to do housework without any bother from arm and shoulder; that it would give relief from arthritis unobtainable from other medicinal preparations; that it would eliminate almost unbearable pains in arms, legs, shoulders, stomach muscles, and all over the body in five minutes; that it would relieve terrific aches and pains of arthritis; and that it would cause to vanish terrible aches and pains in the knees and the calves of the legs. The article was not a drug containing new, amazing, wonder ingredients; it was not effective for the purposes stated and implied; and it was not capable of fulfilling the promises of benefit made for it.

**DISPOSITION:** April 5, 1951. Default decree of condemnation and destruction.

**3416. Misbranding of Min-Ral tablets and Mino-Vites capsules. U. S. v. 285 Bottles, etc. (F. D. C. No. 30290. Sample Nos. 77945-K, 77946-K.)**

**LIBEL FILED:** On or about December 8, 1950, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about August 26 and October 18, 1950, from Omaha, Nebr.

**PRODUCT:** 285 72-tablet bottles of *Min-Ral tablets* and 98 50-capsule bottles of *Mino-Vites capsules* at Lebanon, Mo., in possession of R. J. Christensen Co., together with a number of circulars entitled "Can You Stand Still Without 'Wobbling' \* \* \* Mino-Vites," "Better Health the Min-Ral Way," "Sick-Nervous-Never Well," and "If you were forced to starve to death."

**RESULTS OF INVESTIGATION:** The circulars were printed locally and were used to promote the sale of the products. The circulars were on display in the office beside the products or were on the wall.